

REMARKS

The Office Action mailed February 7, 2007, for the present application has been reviewed. The present amendment makes changes to the claims. Claims 1-12 and 14-19 are pending in the application. Claim 13 has been canceled. Considered together with the following remarks, these amendments are believed sufficient to place the application into condition for allowance. No new matter has been added to the application. Applicant expresses appreciation for thoughtful examination by the Examiner.

The invention relates to a versatile shelter for a cooking device such as a barbeque grille. The shelter, as configured, is sturdy and stable in the outdoor elements in a closed configuration wherein the grille is protected. The top and front of the grille shelter can be opened so that the grille can be used without removal from the shelter or alternatively the grille is removable to another location if desired. As claimed, the shelter includes a rear wall to which the first and second sidewalls are connected, preferably fixed at right angles to the rear wall. This configuration provides stability to the structure which is adapted to be set on a base surface such as a wood or concrete pad, or, for example, blocks or gravel on the ground. The sidewalls each have a pair of panels, the forward ones of which are pivotally attached to the rearward panels, so that the front of the shelter can be completely opened to expose the front of the grille. The top, or roof, of the grille is also pivotally connected to one of the walls so that the roof can be raised sufficiently to enable cooking on a grille located within the shelter. The use of pivotally connected sections of each of the side panels enables opening of the grille for cooking or removal of the grille therefrom if desired while maintaining the

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perpendicular configuration of the remainder of each side wall relative to the rear wall, thus facilitating opening of the front of the shelter without impairing the stability of the shelter as would happen in the event that the entire length of each side wall were placed in linear alignment with the rear wall.

The Prior Art Fails to Teach or Suggest the Invention as Described by the Claims

Reference is first made to the prior art Peters patent which is cited as a primary reference in the claim rejections. Peters shows a shipping and storage chest which folds into a compact rectilinear configuration best seen in Figures 3 and 4 of Peters. It should first be noted that even if the configuration of Figure 4 were to be greatly enlarged, it would not be practical for the purpose of housing a cooking grille. Secondly, even if the Peters structure were opened as seen in Figure 1, it would have no practical purpose relative to a cooking grille during use for cooking purposes.

Other significant differences exist with respect to Peters. Note that in Figure 1 the Peters device relies on base component 6 in order to provide stability against tipping over, since the other panels are all in linear alignment with each other. Note that even though components 3 and 4 of Peters could be placed at right angles that there is no teaching in Peters for such placement, which in any event would still not provide a shelter for use in housing a barbeque grille during cooking operations. Then, theoretically, if cooking were to occur and to be completed, if the Peters device were folded back into the configuration of Figure 4, there would be no place available for storage of a grille. The teaching of rear and side wall panels that provides shelter and

tip resistance is totally lacking. The provision of pivotally connected panels that can be opened to expose a grille is also totally lacking.

In view of the foregoing shortcomings, it would be necessary to entirely reengineer the Peters device to come up with a structure even vaguely resembling the present invention. There is no teaching in the art as to how such reengineering should take place. It is thus respectfully pointed out that redesign of Peters, in hindsight, based solely on the present disclosure, does not result in a basis for rejection of applicant's claims.

The Dunn patent fails to make up the shortcomings of the Peters reference. Dunn shows molded plastic materials forming a plastic structure. The structure is designed to be fitted over a grille but does not contain the moving parts which would function in any way resembling the components of the present invention. Thus Dunn does not make up for Peters' shortcomings.

In summary, it is respectfully pointed out that the claims define, with particularity, the novel grille shelter of the instant invention. As already noted, the claimed grille shelter provides a stable housing for a barbeque grille or similar cooking grille when not in use. The shelter can effectively protect the grille and store it safely during seasons when it is not in use due to an adverse climate or weather. When set up on a patio area, the shelter enables cooking on the grille without removal of the grille from the shelter simply by opening the front and roof of the shelter. Thus, the shelter of this invention is particularly useful in locations where harsh winters or other adverse weather conditions are encountered while also providing desirable shelter for a grille in any type of climate.

CONCLUSION

In light of the foregoing, Applicant respectfully submits that he has addressed each and every item presented by the Examiner in this Office Action. Favorable reconsideration of all of the claims as amended is earnestly solicited.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicant's undersigned representative at the number shown below is invited.

Respectfully submitted,

Date: August 3, 2007

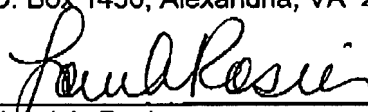


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I hereby certify that this correspondence is being facsimile transmitted to: Mail Stop:
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Date: August 3, 2007



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